COVER LETTER-Page 1 & 2 571-273-8300 April 10,2006

To: Office of Petitions Regarding Potent APP Lieution #10/648,409 RECEIVED CENTRAL FAX CENTER

APR 1 1 2006

On March 10, 2006, I received Notice of Abandonment. I believe this is improper for at least two reasons —

Del did Not receive any Office letter mårled July 28, 2005,

Det did reply, in a timely manner, to the Office letter received by me in searly November 2005.

My reply was mailed November 28, 2005, by Express Mail USPS, and delivered in Alexandria, Va. at 9:10 AM, November 30, 2005

PHONE NO. : 324 6123

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I have discussed this matter with Examiner Janet Wilkens, who says she never received the materials I mailed on November 28, 2005.

On March 30, 2006 she suggested I for these materials, and supporting materials, to you, inting rule

1.181.

Materials in this FAX one:

D9 page handwritten letter Nov 28 2005

D pages #1 and #2 revisions To specification and Claim

Dand (2) mailed Nov 28, 2005

3) pages # 1 and # 2, marked up copy

QUSPS Express Mail delivery confirmation

5 Office letters received by me in Nov 2005, and March 2006.

Thombas, Smite

Nov 28, 2005

Commissioner for Patents P.O. Box 1450

Alexandria, Virginia

Regarding Application 10/648, 409

Dean Sin:

In July I received a notice of noncompliant omendment. I had a telephone conference with my examiner, Janet M. Wilkens in which she explained what I needed to submit to correct the situation, It was a fairly simple matter, I believed I understood what she wanted, and I made the changes and submitted the requested materialson July 28, 2005. On November 7, 2005 ch received a Isilme to Acceptably Regond ter Notice of Non-compliant Amendment. This notice had itams 1, 2, and 4 checked (X) as causing the americal document the be non-compliant. I immediately

/PAGE 3/16 * RCVD AT 4/11/2006 1:13:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/18 * DNIS:2738300 * CSID:324 6123 * DURATION (mm-ss):07-34

Nov25, 2005

called my examiner, Jonet m. Wilhers. Her voice mail said "This is Jonet Wilher, it's Nov 4, and I well be back in the office Debruary 3." So I call her supervison Jona Man to diacuss the situation. Essentially she tald me that the naturals I submitted on July 28, 2005 were unsatisfactory, and that I would have ter make corrections, and pay \$795.00 on \$1000.00 +, she didn't know exactly, or my application would be atonte abandoned. Juther more, she refused to explain what it meant on the non-compliant notice where it was referring to underdines, brackets, and strikethrougho, She said it was up to me to figure

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FROM : Steve Smith

Nov-28, 2005 It out, and since I couldn't, then I should hire a lawyer. By this time d'un beginning tothing this situation is reduculous and abound, We end the conversation. I cont believe that my palant application is going la la rejected because some word is not bracketed or underlined. Donat Walkere NEUER said onything to me about bunkits underlines, or strikethranglis. But if that is necessary, I certainly can do it. OK, I decide to call Doi Johnson, whose signature and phone number appear on the Nor7 Failure to Acceptably Respond notice, What a pleasant semprise! Doi Johnson was very courteaus, patient, and

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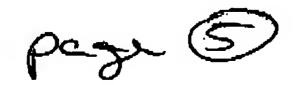
Nov 28, 2005

helpful. The guickly explained about the brackets, underlines, and strikethroughs, and about exactly where ter put the page number and data, and signature, so that the pages in question (2 pages exactly) would be "compliant". 50 el Have made the regreated alranger, (it was so simple, it took me about 10 minutes), and ch am sending than to you today by Express Mail. I have a big problem with the \$795.00. I taink it is unfain, unforeseen, and exarbitant under these circumstances, and I will tell you why. 1 All the relovant substantive material was submitted as requested in a timely manner, page @

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Nov 28, 2005 on July 28, 2005, within the 30 dags allowed for reply. Any one would have been able to détermine what was new or old, and Janet Wilkens, my examina, who was familian with the material, certainly know. If it is just a mother of brockets, or underlines so that your folker con more early computering the info, should I have to pay \$795.00? 2) If there was a problem, when couldn't of have been notified sooner than 3 months! Why couldn't I have been notified in August? Sainfohnson said a 1 months time extension fee was \$60.00 I don't think I should have to buy any time, but \$60.00 is certainly more

3) My examiner, Danet Wilkens is



gone until Jel 3, 2006. I have been told she is on maternity leave. I wonder if she was able to devote full attention to her work as her pregnancy advanced in the hat summer time. At any rate, for her to take 3 months to respond to my July 28, 2005 submission seems excessive. And with Mis Wilkers gone until Jel 3, these is no one who is formular with my application.

Del started this process by filing a provisional Patent Application on August 26, 2002, over 3 years ago. Ouring this period, these have been many communications back and both between me and the Patent Office. I have ALWAYS responded in a timely manner. The Patent Office usually takes 3, 4, or more months

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Nov 28, 2005

to respond in return. So when I didn't get an immediate response to my July 28, 2005 sub-mission I was not concerned. Janet Wilkens never tall me that if she did not approve the materials of sent that my time for reply would end July 31, 2005, regardless of whather I was informed earlier or late. The penalty was totally unforessen ly me.

Del addition to not getting all the relevant information from Janet Wilkens, I have been getting conflicting information from Patent Office employees. For example — You Johnson told me to sign lack page with my signature and date. She said I needed to do that to make it compliant. She also

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Nov. 28, 2005 said To be sure to put the application number on each page. Jine! No problem! Bût my examiner Jonet Wilkone said it wasn't necessary to put the oppleation number on lack page, and she Never said anything about a signature. Look, I don't come, I will do it any way you want it. It seems like not everybody is on the some page. I shouldn't be pendiged

Dinally, I would like to say that my idea, concept, invention whatever you want to call it is



Noo 28, 2005
a good thing. Millions of bodybroomers with weak ankles
Knees, thiss will be able to
extend their mobility. And people
of any ege will appreciate the
upper body exercise benefit of
using my invention. I discovered
and developed it on my own,
nobody else has anything like it
and I deserve a potent for it.

Stevena. Smile

P.S. I have NEVER changed the abstract.

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